

LAW OFFICES OF

GEORGE P. BIRNBAUM

GEORGE P. BIRNBAUM
ADMITTED NY & CT BARSMICHAEL L. FERCH, OF COUNSEL
ADMITTED NY BAR ONLYUSDC SDNY
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130 WEST 57TH STREET
NEW YORK, NY 10019
(212) 956-1313
FAX: (212) 956-4596
EMAIL: GPBSCOUT@AOL.COM22 OLD STUDIO ROAD
NEW CANAAN, CT 06840
(203) 966-9770
FAX: (203) 966-2208**BY FAX**Hon. Loretta A. Preska
U.S.D.C., S.D.N.Y.
United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007Re: Buck Scientific, Inc., et al. ads DeMenna
Civil Case No.: 07-CV-6240 (LAP)

Dear Judge Preska:

This office represents defendants Buck Scientific, Inc.,
Robert J. Anderson, and Eric Anderson ("defendants").I write to Your Honor on behalf, and with the full consent,
of plaintiffs in this matter, as well as of our clients. The
purpose of this letter is twofold, as discussed below.

First, mindful of Your Honor's previous recommendation that
the parties should make the effort to resolve this matter
through mediation, both sides are willing to engage in non-
binding mediation in such an effort. Accordingly, the parties
respectfully request, pursuant to Local Rule 83.12, that this
matter be referred by Your Honor to the Alternative Dispute
Resolution program for the Southern District of New York.

Second, discovery in this matter has been steadily ongoing.
The current deadline for the end of all discovery is September
30, 2008. I have ascertained from the Southern District's
mediation office that dates for mediation hearings are currently
being scheduled for no earlier than late July/early August.
Thus, since there is likely to be at least a three month period
before the initial hearing, particularly due to summer
schedules, the parties respectfully request that all discovery
dates be extended in this matter for three (3) additional

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② months, meaning that the discovery cut-off date would be moved to December 30, 2008. There has been no previous request for any extension of the discovery cut-off date. The parties understand that further extension may become warranted, and agree to mediate this matter without prejudice to the parties' right to request respectfully that this Court grant, at its discretion, additional time for discovery.

Should Your Honor request that a Third Amended Case Management Order be filed to accord with the foregoing, we will promptly comply.

Thank you for your consideration of this request.

① and ② are approved.

Respectfully Submitted,

LAW OFFICES OF GEORGE P. BIRNBAUM

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

By:

Michael L. Ferch / ca

Michael L. Ferch [MF-6211]
Counsel

cc: Aaron E. Albert, Esq.

June 9, 2008